

Permit No. MTR300000

GENERAL PERMIT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH MINING AND
WITH OIL AND GAS ACTIVITIES

MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE
UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Section 75-5-101 *et seq.*, Montana Code Annotated (MCA); Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*; and ARM 17.30.601 *et seq.*, applicants with an authorization letter for this *General Permit for Storm Water Discharge Associated with Mining and with Oil and Gas Activities* are permitted to discharge storm water resulting only from mining and from oil and gas activities to state waters in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, and VI.

This permit shall become effective November 17, 2002.

This permit shall expire at midnight, November 16, 2007.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

Thomas D. Reid, Supervisor
Water Quality Discharge Permit Section
Water Protection Bureau
Permitting and Compliance Division

Dated this ____th day of _____, 2002.

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APPLICABILITY

Owners or operators of facilities, as defined in Code of Federal Regulations, Title 40, Section 122.26 (14)(iii), are eligible for coverage under this General Permit. These facilities are required to obtain permit coverage if there is a discharge of storm water from their facility to surface waters of the State of Montana. Facilities impacted by this General Permit are metal mining facilities (active or inactive); auxiliary areas in coal mines; industrial minerals (sand and gravel or dimension stone); or oil and gas exploration, production, processing, or treatment operations in which storm water could come in contact with any overburden, raw materials, intermediate products, finished products, byproducts, or waste products located on the operational site.

PART I. EFFLUENT LIMITATIONS

A. Effluent Limitations

Effective immediately upon issuance of an authorization under this General Permit and lasting through its expiration date, the following conditions apply to all facilities covered under this permit; there must be no discharge of pollutants via storm water runoff to surface waters of the State of Montana except as provided for below.

1. No discharge of storm water containing pollutants associated with process wastewater streams may occur under this General Permit. Discharges covered under this permit are directly related to precipitation events, either rainfall or snowmelt.
2. No discharge of storm water containing pollutants from activities covered under this General Permit may cause or contribute to a violation of water surface quality standards.
3. Discharges of storm water containing pollutants associated with activities covered by this permit must be controlled through the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Management practices defined within the SWPPP must eliminate or minimize the discharge of pollutants to surface waters.

B. Other Conditions

The owner or operator of the facility shall be required to retain a copy of the General Permit, Authorization Letter, and SWPPP on site. In the event there are no facilities present on site, the permit, authorization letter, and SWPPP must be retained at the nearest field office.

PART II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Self-monitoring Requirements

Storm water monitoring requirements contained in this General Permit initiate on the effective date of authorization under this General Permit or as otherwise directed by the Department.

1. Storm Water Discharge Monitoring

All permitted facilities authorized under this permit are required to perform sampling, testing, and reporting of storm water discharges under this permit or as otherwise required by the Department. The following information must be recorded and maintained at the permitted facility [Part II.H] for all storm water discharges that are sampled:

- a. Date, exact place, and time of sampling;
- b. Estimated duration (in hours) of the storm event(s) sampled;
- c. Total rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff;
- d. Name(s) of the individuals who performed the sampling or measurements; and
- e. Analytical laboratory test result data and reports for storm water samples, and/or records, which minimally indicate:
 - i. The date(s) analyses were performed;
 - ii. The time analyses were initiated;
 - iii. The initials or name(s) of individual(s) who performed the analyses;
 - iv. References and written procedures, when available, for the analytical techniques or methods used; and
 - v. The results of such analyses, including the bench sheets, instrument readouts, computer disks, or tapes, etc. used to determine these results.

2. Industry Specific Monitoring Parameters

- a. Facilities with the following Standard Industrial Classification (SIC) codes are required to monitor for the parameters listed in Table 1.

1011, 1061 - Iron and ferroalloy ores

1021, 1031, 1041, 1044, 1061 - Copper, lead, zinc, gold, and silver ores

1081 - Metal mining services
1094, 1099 - Miscellaneous metal ores.

Table 1. Metal Mining Effluent Monitoring Requirements

Parameter ⁽¹⁾⁽²⁾	Frequency	Type ⁽³⁾
Total Suspended Solids (TSS), mg/l	Semiannual	Grab or Composite
Chemical Oxygen Demand (COD), mg/l	Semiannual	Grab or Composite
Nitrate + Nitrite Nitrogen, mg/l	Semiannual	Grab or Composite
pH, standard units	Semiannual	Instantaneous ⁽⁴⁾
Copper, mg/l	Semiannual	Grab or Composite
Lead, mg/l	Semiannual	Grab or Composite
Manganese, mg/l	Semiannual	Grab or Composite
Zinc, mg/l	Semiannual	Grab or Composite
Estimated Flow, gpm	Semiannual	Instantaneous ⁽⁴⁾
Oil and Grease ⁽⁵⁾ , mg/l	Semiannual	Grab
And any other conventional, hazardous, or toxic substance that has been identified through sampling means.		

(1) Detection limits are pursuant to levels defined in WQB-7.

(2) Total recoverable methods to be used on all metals.

(3) See definitions in Part II.A.4 and Part VI of this permit.

(4) Estimated flow rates are appropriate in cases where measurement gauges are not installed.

(5) Hexanes extraction (EPA Method 1664 A).

- b. Facilities that have the following SIC codes and that conduct activities not regulated by ELG limits are required to monitor for the parameters listed in Table 2.

1221- 1241 - Coal mining and coal mining related facilities

Table 2. Coal Mining Effluent Monitoring Requirements

Parameter ⁽¹⁾⁽²⁾	Frequency	Type ⁽³⁾
Total Suspended Solids (TSS), mg/l	Semiannual	Grab or Composite
Chemical Oxygen Demand (COD), mg/l	Semiannual	Grab or Composite
Nitrate + Nitrite Nitrogen, mg/l	Semiannual	Grab or Composite
pH, standard units	Semiannual	Instantaneous ⁽⁴⁾
Aluminum, mg/l	Semiannual	Grab or Composite
Iron, mg/l	Semiannual	Grab or Composite
Estimated Flow, gpm	Semiannual	Instantaneous ⁽⁴⁾
Oil and Grease ⁽⁵⁾ , mg/l	Semiannual	Grab
And any other conventional, hazardous, or toxic substance that has been identified through sampling means.		

(1) Detection limits are pursuant to levels defined in WQB-7.

(2) Total recoverable methods to be used on all metals.

(3) See definitions in Part II.A.4 and Part VI of this permit.

(4) Estimated flow rates are appropriate in cases where measurement gauges are not installed.

(5) Hexanes extraction (EPA Method 1664 A).

- c. Facilities with the following SIC codes are required to monitor for the parameters listed in Table 3.

1442, 1446 - Sand and gravel mining
1411, 1422-1429, 1481, 1499 - Dimension, crushed stone, and non-metallic minerals.

Table 3. Industrial Minerals Mining Effluent Monitoring Requirements

Parameter ⁽¹⁾	Frequency	Type ⁽²⁾
Total Suspended Solids (TSS), mg/l	Semiannual	Grab or Composite
pH, standard units	Semiannual	Instantaneous ⁽³⁾
Estimated Flow, gpm	Semiannual	Instantaneous ⁽³⁾
Oil and Grease ⁽⁴⁾ , mg/l	Semiannual	Grab

(1) Detection limits are pursuant to levels defined in WQB-7.

(2) See definitions in Part II.A.4 and Part VI of this permit.

(3) Estimated flow rates are appropriate in cases where measurement gauges are not installed.

(4) Hexanes extraction (EPA Method 1664 A).

- d. Oil and gas facilities that have had a discharge of a reportable quantity pursuant to 40 CFR (110.6), (117.21) or (302.6) are required to monitor for the pollutant of concern once application has been made to the Department. Oil and gas activities with the following SIC codes are required to monitor for the following parameters as listed in Table 4.

1311, 1321, 1381-1389 - Crude petroleum, natural gas, drilling operations exploration, and field service.

Table 4. Oil and Gas Industry Effluent Monitoring Requirements

Parameter ⁽¹⁾	Frequency	Type ⁽²⁾
Total Suspended Solids (TSS), mg/l	Semiannual	Grab or Composite
Chemical Oxygen Demand (COD), mg/l	Semiannual	Grab or Composite
pH, standard units	Semiannual	Instantaneous ⁽³⁾
Estimated Flow, gpm	Semiannual	Instantaneous ⁽³⁾
Oil and Grease ⁽⁴⁾ , mg/l	Semiannual	Grab
And any other conventional, hazardous, or toxic substance that has been identified through sampling means.		

(1) Detection limits are pursuant to levels defined in WQB-7.

(2) See definitions in Part II.A.4 and Part VI of this permit.

(3) Estimated flow rates are appropriate in cases where measurement gauges are not installed.

(4) Hexanes extraction (EPA Method 1664 A).

3. Monitoring Frequency

Sampling, testing, and reporting must be conducted at least semiannually (two times per year) for industries classified under Part II.A.2 (a through d) of this permit, except as provided by Part II.A.6, "Sampling Waiver" and Part II.A.7 "Representative Discharge" of this permit. It is recommended that samples not be

collected from back-to-back storm events, but that the sampled storm event generates runoff characteristic of typical site conditions.

For new authorizations issued under this permit, the first required monitoring period must be the first complete Discharge Monitoring Report (DMR) period following the date of the permit Authorization Letter [Part II.E].

Frequency may be re-evaluated by the Department after a minimum of three consecutive monitoring periods of representative sampling data has been collected. The Department may suspend the sampling requirement if, after any three monitoring periods (representative sampling events), a facility can demonstrate the following conditions:

- a. Best Management Practices (BMP) implementation is satisfactorily reducing and minimizing the potential discharge of pollutants in storm water.
- b. The storm water sampling test results for the parameters tested for under Part III of this permit have not exceeded the U.S. Environmental Protection Agency (EPA) benchmark values, which have been adopted by the Department, as presented in Part II.A.8, "Parameter Benchmark Values."
- c. Storm water discharges that have not attained a Total Maximum Daily Load (TMDL) or wasteload allocation that has been developed and approved by the Department for the receiving surface waters.
- d. There have been no violations of the conditions and requirements of this permit.
- e. There are no significant site characteristics, concerns, or problems (such as spills or releases) that could potentially allow pollutants to come into contact with storm water.

It is the responsibility of the permittee to research and provide documentation proving that the aforementioned conditions have been met. This documentation must be included with a written request to the Department for suspension of monitoring requirements.

4. Sample Type

For all discharges, sampling data must be obtained through a grab sample. The grab sample must be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge; the permittee shall submit to the Department, attached to a DMR form, a description of why a grab sample during the first 30 minutes was impracticable.

A composite sample may be required by the Department on a site-by-site basis. If required, composite samples must either be flow-weighted or time-weighted.

Potential composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes.

5. Evaluation of Storm Water Quality Monitoring Test Results

Upon the completion of each sampling event, and upon receipt of the sampling test results by the permittee, the permittee shall evaluate each parameter test result by comparison with the pertinent benchmark value stated in Part II.A.8, "Parameter Benchmark Values." If there is an exceedance of the benchmark value, the permittee shall evaluate the source and reason of the exceedance and consider additional BMPs and/or other facility management measures that may need to be initiated to improve the quality of storm water discharges. These measures must be implemented as necessary and updated in the facility SWPPP as required in Part III.D.2 of this permit. A summary of this evaluation of storm water quality data, any exceedances of the benchmark values, and additional BMPs and/or other measures that may be necessary must be stated on the annual Compliance Evaluation Report form required to be submitted to the Department in Part III.D.4 of this permit.

6. Sampling Waiver

When a permittee is unable to collect samples due to adverse climatic or safety conditions, the permittee shall submit on the standardized DMR form a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions that may prohibit the collection of samples include weather conditions creating dangerous conditions for personnel (such as blizzards, high winds, slippery roads, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, Forest Service road closures, etc.).

7. Representative Discharge

When a facility has two or more discharge points that the permittee reasonably believes to contain substantially identical effluents (pollutants), the permittee may request permission from the Department to sample only one of the discharges and report the quantitative data from the sampling to the Department. In making the request, the permittee shall demonstrate how the sample point is representative of the two or more discharge points in question.

8. Parameter Benchmark Values

Benchmark values are pollutant concentrations above which the EPA determined represents a level of concern. The level of concern is a concentration at which storm water discharges could potentially impair, or contribute to impairing, water quality or human health from ingestion of water or fish. The benchmarks are also viewed by the EPA as a level that, if below, a facility presents little potential for water quality concerns. As such, the benchmarks also provide an appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented. These benchmark values should not be viewed as effluent

limitations. Table 5 illustrates the EPA Benchmark values for effluent comparison purposes.

Table 5. Parameter Benchmark Values

Parameter Name	Benchmark Level	Parameter Name	Benchmark Level
Biochemical Oxygen Demand (5 Day)	30 mg/l	Fluoranthene	0.042 mg/l
Chemical Oxygen Demand	120 mg/l	Fluoride	1.8 mg/l
Total Suspended Solids	100 mg/l	Iron, TR	1.0 mg/l
Oil and Grease	15 mg/l	Lead, TR (H)	0.0816 mg/l
Nitrate + Nitrite Nitrogen	0.68 mg/l	Manganese	1.0 mg/l
Total Phosphorus	2.0 mg/l	Mercury, TR	0.0024 mg/l
pH	6.0-9.0 s.u.	Nickel, TR (H)	1.417 mg/l
Acrylonitrile (c)	7.55 mg/l	PCB-1016 (c)	0.000127 mg/l
Aluminum, TR (pH 6.5-9)	0.75 mg/l	PCB-1221 (c)	0.10 mg/l
Ammonia	19 mg/l	PCB-1232 (c)	0.000318 mg/l
Antimony, TR	0.636 mg/l	PCB-1242 (c)	0.00020 mg/l
Arsenic, TR (c)	0.16854 mg/l	PCB-1248 (c)	0.002544 mg/l
Benzene	0.01 mg/l	PCB-1254 (c)	0.10 mg/l
Beryllium, TR (c)	0.13 mg/l	PCB-1260 (c)	0.000477 mg/l
Butylbenzyl Phthalate	3 mg/l	Phenols, Total	1.0 mg/l
Cadmium, TR (H)	0.0159 mg/l	Pyrene (PAH,c)	0.01 mg/l
Chloride	860 mg/l	Selenium, TR (*)	0.2385 mg/l
Copper, TR (H)	0.0636 mg/l	Silver, TR (H)	0.0318 mg/l
Cyanide, Total	0.0636 mg/l	Toluene	10.0 mg/l
Dimethyl Phthalate	1.0 mg/l	Trichloroethylene (c)	0.0027 mg/l
Ethylbenzene	3.1 mg/l	Zinc, TR (H)	0.117 mg/l

(TR) Total Recoverable analysis methods must be used for these parameters
 (*) Limit established for oil and gas exploration and production facilities only.
 (c) Carcinogen
 (H) Hardness dependent
 (PAH) Polynuclear Aromatic Hydrocarbon

Assumptions:
 Receiving water temperature 20°C
 Receiving water pH 7.8
 Receiving water hardness CaCO₃ 100 mg/l
 Receiving water salinity 20 g/kg
 Acute to Chronic Ratio (ACR) 10

Source of Table: EPA 10/30/00 Final NPDES Storm Water Multi-Sector General Permit for Industrial Activities

B. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part II must be collected from the point source discharge of storm water prior to discharging from the permittee's property. Samples and measurements must be representative of the volume and nature of the monitored discharge.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures have been specified in this permit.

D. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than six months, or both.

E. Reporting of Monitoring Results

1. Monitoring results must be summarized and reported on DMR forms. If no discharge occurs during a reporting period, "no discharge" must be reported. A National Oceanic and Aeronautics Administration (NOAA) or other qualified local weather station precipitation summary and the facility monitoring report for the monitoring period must accompany DMRs claiming no discharge.

Discharge monitoring results must be recorded on DMR forms provided by the Department. This form must be completed and submitted for each point source outfall requiring monitoring. If sampling was not completed for any reason, it must be noted on the DMR form and submitted to the Department.

2. Results of the self-monitoring must be reported semiannually on the DMR form to the Department (see address below), postmarked no later than the 28th day of the month following the reporting period; the due date of the first semiannual report is July 28th and the second semiannual report is January 28th.

Montana Department of Environmental Quality
Water Protection Bureau
Storm Water Program
P.O. Box 200901
Helena, Montana 59620-0901
Phone: (406) 444-3080

All reports, notifications, and inquiries regarding the conditions of this permit must be submitted to the Department at the above address.

F. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit and uses approved analytical methods as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted on the DMR. Such increased frequency must also be indicated.

G. Records Contents

Records of monitoring information include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time analyses were initiated;
5. The initials or name(s) of individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and,
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks, or tapes, etc., used to determine these results.

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of sample, measurement, report, or application. This period may be extended by request of the Department at any time.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall report any noncompliance that may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report must be made to the Water Protection Bureau at (406) 444-3080.
2. Occurrences of noncompliance must be reported by telephone to the Water Protection Bureau at (406) 444-3080 by the first workday (8:00 A.M.- 4:30 P.M. Mountain Time) following the day the permittee became aware of the circumstances any unanticipated bypass which exceeded any effluent limitation in the permit [Part IV.G, "Bypass of Treatment Facilities"].
3. A written submission must also be provided within 5 days of the time that the permittee becomes aware of the circumstances. The written submission must contain:
 - a. A description of the noncompliance and its cause;

- b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 4. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau by phone, (406) 444-3080.
 - 5. Reports must be submitted to the addresses in Part II.E, "Reporting of Monitoring Results."

J. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours must be reported at the time that monitoring reports for Part II.E. are submitted. The reports must contain the information listed in Part II.G.

K. Inspection and Entry

The permittee shall allow the head of the Department or the regional administrator, or authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
- 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.

PART III. SPECIAL CONDITIONS

Storm Water Pollution Prevention Plan Requirements

A Storm Water Pollution Prevention Plan (SWPPP) must be developed for each facility covered by this permit. The purpose of the SWPPP is to identify sources of pollution to storm water and

to select Best Management Practices (BMPs) to eliminate or minimize pollutant discharges at the source and/or to remove pollutants contained in storm water runoff. Facilities must implement the provisions of the SWPPP required under this part as a condition of this permit.

For SWPPPs written after August 31, 2002, the plan organization must follow the outline detailed in this Part of this permit. If a section is not applicable, a brief explanation of why it is not applicable must be included. New applicants shall submit their SWPPP with the application forms and applicable fees to the Department.

SWPPPs written prior to August 31, 2002 may be used to address this permit requirement, but the permittee shall submit an index cross-referencing the permit requirements and the place where each is addressed in the plan. Applicants who have renewed coverage under this permit have 90 days to revise and submit their SWPPP as required under this section.

The plan must be prepared in accordance with good engineering practices. Reports, maps, or other Department compliance information may be submitted to meet the requirements of the SWPPP.

As stated in Part I.B, the plan must be retained onsite at the facility that generates the storm water discharge. The permittee shall make plans available upon request of DEQ staff. The Department may notify the permittee after review that the plan does not meet one or more of the minimum requirements of this part. After such notification from the Department, the permittee shall make changes to the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the required changes.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance that has significant effect on the potential for the discharge of pollutants to surface waters of the state. The SWPPP must be modified whenever the plan is ineffective in eliminating or significantly minimizing pollutants from sources identified in the plan.

The plan must include, at a minimum, the following items.

A. Pollution Prevention Team

The SWPPP must identify a specific individual or individuals within the organization as members of a storm water pollution prevention team who are responsible for developing the SWPPP and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan must clearly identify the responsibilities of each member. The activities and responsibilities of the team must address all aspects of the facilities SWPPP.

B. Description of Potential Pollutant Sources

The SWPPP must provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges. The plan must identify all activities and significant materials that may potentially be significant

pollutant sources. The SWPPP must include, at a minimum:

1. Drainage Details

- a.
 - A site map indicating an outline of the drainage area, within the facilities boundaries, of each point source that contains storm water runoff,
 - Each existing structural control measure to reduce pollutants in storm water,
 - Surface waterbodies, springs and water wells,
 - Locations where significant materials are exposed to precipitation,
 - Locations where major spills or leaks have occurred,
 - Locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas,
 - Locations used for the treatment, storage, or disposal of wastes and/or hazardous wastes, liquid storage tanks, processing areas, and storage areas,
 - Locations of underground injection wells, and
 - A map scale and North arrow.
- b. For each area of the facility that generates storm water discharges from regulated activities having reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in the storm water discharge. Factors to consider include the toxicity of chemicals; quantity of chemical used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with significant potential for causing erosion must be identified.
- c. The name of the receiving surface water(s) for storm water discharges — including perennial waterbodies, intermittent waterbodies, ephemeral streams, and wetlands— along with a detailed narrative description of the storm water runoff flow pattern from the facility's site into these receiving surface waters.

2. Inventory of Exposed Materials

An inventory must be conducted to identify the types of materials handled at the site that potentially may be exposed to precipitation. Such an inventory must include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to storm water three years prior to the application for permit coverage; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water of this permit; three years prior to the application for permit coverage, the location and description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

3. Spills and Leaks

A list of significant spills and leaks of toxic pollutants or hazardous substances that occurred at areas exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the effective date of this permit.

4. Sampling Data

A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

5. Risk Identification and Summary of Potential Pollution Risks

A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description must specifically list any significant potential sources of pollutants at the site and, for each potential source, any pollutant or pollutant parameter of concern must be identified.

C. Baseline Best Management Practices (BMPs)

A description of storm water BMPs appropriate for the facility and a schedule for implementing these controls must be developed. The appropriateness and priorities of controls in a plan must reflect identified potential sources of pollutants at the facility. The description of storm water BMPs must address the following minimum components.

1. Good Housekeeping

Good housekeeping requires maintenance, in a clean and orderly manner, of areas that may contribute pollutants to storm water discharges.

2. Preventive Maintenance

A preventive maintenance program must involve timely inspections and maintenance of storm water management devices (e.g. cleaning of oil/water separators, catch basins). This program must also include inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures that could result in discharges of pollutants to surface waters.

3. Spill Prevention and Response Procedures

Areas where potential spills may occur that could contribute pollutants to storm water discharges, and their accompanying drainage points, must be identified clearly in the SWPPP. Where appropriate, specific material- handling procedures, storage requirements, and use of equipment, such as diversion valves, should be

considered in the plan. Procedures for cleaning up spills must be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available to the appropriate personnel. Emergency spill/response contact and/or notification numbers must be listed in the plan.

4. Inspections

In addition to or as part of the comprehensive site evaluation required under Section D (below) of this part, qualified facility personnel must be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan, or after storm events when 0.5 inches of precipitation has occurred. A set of tracking or follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspection. Records of inspections must be maintained with the SWPPP.

5. Employee Training

Employee training programs must be developed to inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. The SWPPP must identify periodic dates for such training.

6. Recordkeeping and Internal Reporting Procedures

A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges must be included in the plan. Inspections and maintenance activities must be incorporated into the plan. The plan must be retained on site for the duration of the current permit cycle.

7. Sediment and Erosion Control

The SWPPP must identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structure, vegetative, and/or stabilization measures to be used to limit erosion.

The plan may include the use of sediment basins, berms, barriers, filter strips, covers, diversion structures, seeding, sodding, and/or other control structures or BMPs. Any plan that requires engineered structures, such as detention ponds or diversion structures, must be prepared by a registered professional engineer or qualified individual. The nature of fill material to be used, the existing soils located at the site, and the erodibility (high, moderate, or slight) of such soils must be provided.

For construction activities related to this permit, the SWPPP must identify and locate the BMPs to be used during and after the construction project to control sediment discharges to state surface waters. The Sediment and Erosion Control

section of the SWPPP must be updated with a SWPPP modification to reflect new activity. The SWPPP modification must be submitted to the Department prior to construction start. The SWPPP for construction activities will become part of the facility SWPPP. Coverage for construction activities under the permit will commence on the date stated in the SWPPP or when construction starts.

8. Management of Runoff

The plan must contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation of the source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan must provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with regulated activities must be considered when determining reasonable and appropriate measures. Reasonable and appropriate measures may include: vegetative swells and practices, reuse of collected storm water (such as for process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration and detention/retention devices.

D. Comprehensive Site Compliance Evaluation

Qualified facility personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but in no case less than once a year during the permit term. Such evaluations must include the following.

1. Areas contributing to a storm water discharge associated with regulated activities must be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loading must be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water BMPs, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan must be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, must be made.
2. Based on the results of the inspection, the description of potential pollutant sources identified in the plan and pollution prevention measures and controls identified in the SWPPP must be revised as appropriate within 14 days of such inspection and must provide for implementation of the changes to the SWPPP in a timely manner.
3. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with No.2 above must be made and retained in the SWPPP. In addition, the permittee shall submit a copy of the report to the Department by January 28th of each year for

the preceding years inspection. The report must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit. The report must be signed in accordance with Part V.G of this permit.

E. Certification of Nonstormwater Discharges

Nonstormwater discharges cannot be authorized under this permit. The facility shall certify that it has verified that only storm water will be discharged at point sources covered by this permit. This certification must be updated annually based on information gathered during the annual comprehensive site evaluation. It must contain as a minimum the following:

1. Identification of potential nonstorm water discharges,
2. Description of the results of tests or evaluations,
3. Test or evaluation criteria,
4. Date of test or evaluation,
5. Onsite drainage points directly observed during the test or evaluation.

Certifications must be signed by individuals as identified under Part V.G of this permit and must contain the certification clause as stated in Part V.G.4 of this permit. This certification must be submitted to the Department as a section of the Compliance Evaluation Report.

F. Signature Requirements

All SWPPPs must be prepared for and overseen by a responsible individual as defined in Part V.G of this permit. The responsible individual shall certify, as defined under Part V.G.4 of this permit, that he had direct oversight in the development and that all information is true and correct.

PART IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity that may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to a civil penalty not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. Except as provided in permit conditions on Part IV.G, "Bypass of Treatment Facilities," nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

F. Removed Substances

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of maintenance and/or treatment must be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I, "Twenty-four Hour Reporting."
3. Prohibition of bypass
 - a. Bypass is prohibited, and the Department may take enforcement action against a permittee for a bypass unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass from occurring during normal periods of equipment downtime or preventive maintenance; and
 - iii. The permittee submitted notices as required under No. 2 of this section.
 - b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph 3.a of this section.

PART V. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to those pollutants not subject to effluent limitations in the permit.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application form and fee should be submitted at least 30 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information.

G. Signatory Requirements

All applications, reports, or information submitted to the Department must be signed and

certified.

1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Department, and
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (An authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under Part V.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or

required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or both.

I. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit must be available for public inspection at the offices of the Department. As required by the Clean Water Act, permit applications, permits, and effluent data must not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property Rights or Water Rights

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

The permittee and adjacent landowner using produced water must comply with applicable water rights statutes under MCA, 85-2-306, before any beneficial water use commences. Information and assistance on the water rights statutes can be obtained from the Department of Natural Resources and Conservation, Water Resources Division at (406) 444-6601.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit cannot be transferred to a new permittee. A new owner or operator of a facility must apply according to the application procedures in Part V.D of this permit 30 days prior to taking responsibility for the facility.

N. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment,

the Department may:

1. Impose an additional assessment consisting of 15 percent of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or
2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

O. Reopener Provision

This permit may be reopened and modified —following proper administrative procedures— to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs.

1. Water Quality Standards

The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Wasteload Allocation

A wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

3. Water Quality Management Plan

A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

P. Notice of Termination (NOT)

Where conditions at the facility have changed and meet one of the following criteria, the owner or operator of the facility may submit a Notice of Termination (NOT) to terminate coverage under this permit. Where construction activity has been completed and the site has been stabilized, or the discharge from the facility has been eliminated, or the operator at the site has changed, the owner or operator of the site may submit a NOT that is signed in accordance with Part V.G. Part III of the application package is the NOT form supplied for this use. The NOT must include the following information.

1. The appropriate status of the facility or property, the site is stabilized, the discharge has been eliminated or the operator has changed.
2. The name, address, and telephone number of the owner or operator of the site, including the contact person.

3. The MPDES authorization number for the permitted facility;
4. The physical address of the facility or site. Please include the county, latitude and longitude coordinates, and name of the facility contact and phone number.
5. The NOT must be sent to the following address:
Montana Department Environmental Quality
Water Protection Bureau
Storm Water Program
PO Box 200901
Helena, MT 59620-0901

The Department will respond in writing to the permittee and, based on the submitted documentation, a determination will be made for termination of the authorization.

PART VI. DEFINITIONS

1. The "Act" means the federal Clean Water Act.
2. "Best Management Practices" (BMPs) means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal, or drainage from raw material storage.
3. "Coal pile runoff" means the precipitation runoff from or through any coal storage pile.
4. The "Department" means the Montana Department of Environmental Quality.
5. "Erodibility" means the measure of the susceptibility of the soil particles to detachment and transport by rainfall. USDA Soil Surveys are good sources of information concerning soil erodibility.
6. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
7. "Grab Sample" for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
8. "Hazardous substance" means any substance designated under 40 CFR Part 116 pursuant to section 311 of the federal Clean Water Act.
9. "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.
10. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.
11. "Potential Pollutants" means sediment, rock, sand, spoils, overburden, stockpiled materials, garbage, chemical wastes, biological materials, radioactive materials, solid waste, or any material listed under significant materials and significant spills.
12. "Process wastewater" means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

13. "Reportable quantities" is defined in 40 CFR Part 110, "Discharge of Oil" and 40 CFR Part 117.3, "Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act." Copies of this information are available from the Department upon request.
14. "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
15. "Significant materials" includes, but is not limited to, raw materials; petroleum fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
16. "Significant quantities" of sediment is defined as earth slides, mud flows, earth sloughing, or other visible earth movement, or that sediment which results from visible evidence of erosion of the property such as rills, gullies, and/or alluvial fans.
17. "Significant spills" includes, but is not limited to: releases of oil, petroleum fuel or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act or Section 102 of CERCLA.
18. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.
19. "Storm water discharge associated with mining and oil and gas activity" means the same as the definition for "storm water discharge associated with industrial activity" stated in 40 CFR Part 122.26(b)(14), except that the term pertains only to discharges from facilities classified as standard industrial classifications 10 through 14 (mineral industry) that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations. Such facilities include active and inactive mining operations— except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, and except for areas of non-coal mining operations that have been released from applicable state or federal reclamation requirements after December 17, 1990— and oil and gas exploration, production, processing, or treatment operations; and transmission facilities. "Inactive mining operations" are mining sites that are not being actively mined but that have an identifiable owner/operator; however, this does not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal

activities are undertaken for the sole purpose of maintaining a mining claim.

20. "Surface waters" means any waters on the earth surface, including but not limited to, streams, lakes, ponds, and reservoirs; and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir, or other surface water. Waterbodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water. [ARM 17.30.602 (25)].
21. "Time-weighted composite sample" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
22. "Toxic pollutant" means any pollutant listed as toxic pursuant to section 1317(a)(1) of the federal Clean Water Act and set forth in 40 CFR Part 129.
23. "Waste pile" means any non-containerized accumulation of solid, nonflowing waste that is used for treatment or storage.